



UNITED STATES PATENT AND TRADEMARK OFFICE

12 FEB 2008

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.  
P.O. BOX 2902  
MINNEAPOLIS, MN 55402-0902

In re Application of:	:	
SAKAMOTO, Hisashi, et al.	:	DECISION ON PETITION TO
U.S. Application No.: 10/563,564	:	CORRECT FILING DATE
PCT No.: PCT/JP2005/000739	:	(37 CFR 1.10(c))
International Filing Date: 21 January 2005	:	
Priority Date: 23 January 2004	:	
Atty Docket No.: 10873.1791USWO	:	
For: SPECIMEN ANALYZING TOOL	:	

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 12 June 2006, treated herein as a petition under 37 CFR 1.10(c) to correct the 35 U.S.C. 371 date for the present national stage application. No petition fee is required.

**BACKGROUND**

On 21 January 2005, applicants filed international application PCT/JP2005/000739. The application claimed a priority date of 23 January 2004, and it designated the United States. On 04 August 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 23 July 2006.

In January 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an executed declaration, and a translation of the international application into English. The USPTO assigned the submission a filing date of 06 January 2006.

On 18 April 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 06 January 2006. Also on 18 April 2006, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 06 January 2006.

On 12 June 2006, applicants filed the "Request For Corrected Filing Receipt" considered herein as a petition under 37 CFR 1.10(c). The petition asserts that the proper filing date for the national stage materials is 05 January 2006, the "date in" indicated on the "Express Mail" customer receipt included with the present petition.

### DISCUSSION

The materials filed to initiate the present national stage application include a document that itemizes the included items and bears a "Certificate Under 37 CFR 1.10." The "Certificate Under 37 CFR 1.10" indicates that the application materials were filed using "Express Mail," identifies the "Express Mail" label number as EV775295740US, and states that the date of deposit was 05 January 2006.

The present petition includes a copy of the customer receipt for "Express Mail" label number EV775295740US. The "date in" on the customer receipt is 05 January 2006. In addition, this customer receipt bears a separate USPS stamp, also dated 05 January 2006.

Based on the present petition, the inclusion of the "Express Mail" label number in the "Certificate Under 37 CFR 1.10" filed with the original application materials, and the "date-in" entered by the USPS on the "Express Mail" label, it is concluded that the materials filed to initiate the present national stage application (including the basic national fee, executed declaration, and English translation) were deposited with the USPS as "Express Mail" on 05 January 2006. Pursuant to 37 CFR 1.10(c), these materials are properly accorded a filing date of 05 January 2006.

The Notification Of Acceptance and filing receipt mailed herein, both of which incorrectly identified the 35 U.S.C. 371(c) date as 06 January 2006, are appropriately vacated.

### CONCLUSION

Applicant's petition under 37 CFR 1.10(c) is **GRANTED**.

The materials filed to initiate the present international application (including the basic national fee, executed declaration, and English translation), are properly accorded a filing date of 05 January 2006.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed herein on 18 April 2006, both of which incorrectly identified the 35 U.S.C. 371(c) date as 06 January 2006, are hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a corrected Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt that properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 05 January 2006.



Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459